UNITED STATES DISTRICT COURT **MAGISTRATE JUDGE'S MINUTES**
SOUTHERN DISTRICT OF CALIFORNIA - Yuma

DATE: 12/27/2007 CASE NUMBER: 07-10856M-001-SD

USA vs. Lorenzo Renteria-Pedregon

CLOSED

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney ____ INTERPRETER Ricardo Gonzalez
LANGUAGE Spanish

Attorney for Defendant Lorna Spencer for Juan Rocha (AFPD)
MATERIAL WITNESS(es): ____
MATERIAL WITNESS(es) state true name(s) to be: ____
Attorney for Material Witness(es): __

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA 12/16/07
☐ Financial Afdvt taken
☐ Rule 5(c)(3)
☐ Initial Appearance
☐ Defendant Sworn
☐ Defendant states true name to be ___. Further proceedings ORDERED in Defendant's true name.
☐ Appointment of counsel hearing held
☐ Financial Afdvt sealed

DETENTION HEARING:
☐ Held ☐ Con't ☐ Submitted ☐ Reset
Set for:
Before:
☐ Defendant ordered temporarily detained in the custody of the United States Marshal
☐ Defendant ordered released ____
☐ Defendant continued detained pending trial
☐ Flight risk ☐ Danger

IDENTITY HEARING:
☐ Held ☐ Con't ☐ Submitted ☐ Reset
☐ Waived
Set for:
Before:
☐ Warrant of removal issued.

PRELIMINARY HEARING:
☐ Held ☐ Con't ☐ Submitted ☐ Reset
☐ Waived
Set for:
Before:
☐ Probable cause found ☐ Dismissed
☐ Held to answer before District Court

STATUS HEARING: re: Prosecution
☒ Held ☐ Con't ☐ Reset
Set for:
Before:

Other: Senior Patrol Agent Nicholas Francescutti orally moves to dismiss the Complaint. Defense counsel has no objection. IT IS ORDERED dismissing the Complaint against the defendant without prejudice. Case closed.

Recorded by Courtsmart
BY: Jocelyn M. Arviso
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA - Yuma

MAGISTRATE JUDGE'S MINUTES

DATE: 12/20/2007 CASE NUMBER: 07-10856M-SD

USA vs. Lorenzo Renteria-Pedregon

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney None Present
INTERPRETER Ricardo Gonzalez
LANGUAGE Spanish

Attorney for Defendant Juan Rocha (AFPD)
MATERIAL WITNESS(es): ______
MATERIAL WITNESS(es) state true name(s) to be: ______
Attorney for Material Witness(es): _

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA____
☐ Financial Afdvt taken
☐ Rule 5(c)(3)
☐ Initial Appearance
☐ Defendant Sworn
☐ Defendant states true name to be ___. Further proceedings ORDERED in Defendant's true name.
☐ Appointment of counsel hearing held
☐ Financial Afdvt sealed

DETENTION HEARING: ☐ Held ☐ Con't ☐ Submitted ☐ Reset Set for: Before: ☐ Defendant ordered temporarily detained in the custody of the United States Marshal ☐ Defendant ordered released ______ ☐ Defendant continued detained pending trial ☐ Flight risk ☐ Danger	**IDENTITY HEARING:** ☐ Held ☐ Con't ☐ Submitted ☐ Reset ☐ Waived Set for: Before: ☐ Warrant of removal issued.
PRELIMINARY HEARING: ☐ Held ☐ Con't ☐ Submitted ☐ Reset ☐ Waived Set for: Before: ☐ Probable cause found ☐ Dismissed ☐ Held to answer before District Court	**STATUS HEARING:** re: Plea / Sentence ☒ Held ☐ Con't ☐ Reset **Set for:** **12/27/07 at 1:00 pm** **Before:** **Magistrate Judge Irwin**

Other: Defense expresses mental competancy concerns as to the defendant. Prosecution Officer Mario Moreno moves for a continuance. Defense has no objection. Court grants motion and sets another status hearing.

Recorded by Courtsmart
BY: Angela J. Tuohy
Deputy Clerk

UNITED STATES DISTRICT COURT **MAGISTRATE JUDGE'S MINUTES**
SOUTHERN DISTRICT OF CALIFORNIA - Yuma

DATE: 12/17/2007 CASE NUMBER: 07-10856M-SD-001

USA vs. Lorenzo Renteria-Pedregon

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney None Present INTERPRETER Marcia Resler
LANGUAGE Spanish

Attorney for Defendant Juan Rocha (AFPD)
MATERIAL WITNESS(es): ____
MATERIAL WITNESS(es) state true name(s) to be: ____
Attorney for Material Witness(es): _

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA 12/16/07
☐ Financial Afdvt taken
☐ Rule 5(c)(3)
☒ Initial Appearance
☒ Defendant Sworn
☐ Defendant states true name to be ___. Further proceedings ORDERED in Defendant's true name.
☒ Appointment of counsel hearing held
☐ Financial Afdvt sealed

DETENTION HEARING:	IDENTITY HEARING:
☐ Held ☐ Con't ☐ Submitted ☐ Reset Set for: Before: ☒ Defendant ordered temporarily detained in the custody of the United States Marshal ☐ Defendant ordered released ____ ☐ Defendant continued detained pending trial ☐ Flight risk ☐ Danger	☐ Held ☐ Con't ☐ Submitted ☐ Reset ☐ Waived Set for: Before: ☐ Warrant of removal issued.
PRELIMINARY HEARING: ☐ Held ☐ Con't ☐ Submitted ☐ Reset ☐ Waived Set for: Before: ☐ Probable cause found ☐ Dismissed ☐ Held to answer before District Court	**STATUS HEARING:** re: Plea / Sentence ☐ Held ☐ Con't ☐ Reset Set for: 12/20/07 at 1:00 pm Before: Magistrate Judge Irwin

Other: Defense moves for a continuance. Prosecution Agent Nicholas Francescutti, for the Government, has no objection. Court grants motion and sets status hearing.

Recorded by Courtsmart
BY: Angela J. Tuohy
Deputy Clerk

12/16

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
V.
Lorenzo RENTERIA-Pedregon
Citizen of Mexico
YOB: 1984
A88 916 254
Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 07-10856M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about November 4, 2007, Defendant Lorenzo RENTERIA-Pedregon was arrested and removed from the United States to Mexico through the port of San Ysidro, California, in pursuance of law, and thereafter on or about December 16, 2007, Defendant was found in the United States near Andrade, California within the Southern District of California, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

COUNT II

That on or about December 15, 2007, within the Southern District of California, Defendant Lorenzo RENTERIA-Pedregon, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Nicholas Francescutti
Signature of Complainant
Nicholas Francescutti
Senior Patrol Agent

Sworn to before me and subscribed in my presence,

December 17, 2007 at Yuma, Arizona
Date City and State

Jay R. Irwin, U.S. Magistrate
Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Lorenzo RENTERIA-Pedregon

Dependents: None

IMMIGRATION HISTORY: The Defendant was last removed through San Ysidro, California on November 4, 2007. **The Defendant has been apprehended on five (5) separate occasions and has been formally removed from the United States on two (2) of those occasions.**

CRIMINAL HISTORY:

DATE/LOCATION		**OFFENSE**	**DISPOSITION**
4/22/05	**Phoenix, AZ**	**Burglary 3rd Degree**	**No Complaint Filed**
4/22/05	**Phoenix, AZ**	**Theft**	**No Complaint Filed**
4/22/05	**Phoenix, AZ**	**Theft-Means of Transport**	**No Complaint Filed**
4/22/05	**Phoenix, AZ**	**Traffic Stolen Prop 2nd Deg**	**No Complaint Filed**
5/26/05	**Phoenix, AZ**	**Assault-Touch To Injure**	**6 Months Probation**

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Andrade, California on December 15, 2007.

Charges: 8 USC§1326 (Felony)
8 USC§1325 (Misdemeanor)

Nicholas Francescutti
Signature of Complainant

Sworn to before me and subscribed in my presence,

December 17, 2007
Date

Signature of Judicial Officer